

ADRMOP,CLOSED,CONSENT

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:18-cv-02293-SK**

Farmworker Justice et al v. U.S. Environmental Protection
Agency
Assigned to: Magistrate Judge Sallie Kim
Cause: 05:552 Freedom of Information Act

Date Filed: 04/17/2018
Date Terminated: 08/14/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Farmworker Justice

represented by **Alexis Charlotte Andiman**
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
212-845-7394
Fax: 212-918-1556
Email: aandiman@earthjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey P. Geis
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
(415) 217-2000
Fax: (415) 217-2040
Email: sgeis@earthjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carrie F. Apfel
Earthjustice
1625 Massachusetts Avenue, N.W., Suite
702
Washington, DC 20036
202-667-4500
Fax: 202-667-2356
Email: capfel@earthjustice.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marie Elizabeth Logan
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
415-217-2118
Fax: 415-217-2040
Email: mlogan@earthjustice.org
ATTORNEY TO BE NOTICED

Peter Lehner
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
212-845-7389
Fax: 212-918-1556
Email: plehner@earthjustice.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Virginia Elizabeth Ruiz
Farmworker Justice
1126 16th Street, N.W., Suite 270
Washington, DC 20036
(202) 293-5420
Fax: (202) 293-5427
Email: vruijz@farmworkerjustice.org
TERMINATED: 06/28/2019

Plaintiff

Earthjustice

represented by **Alexis Charlotte Andiman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey P. Geis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carrie F. Apfel
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marie Elizabeth Logan
(See above for address)
ATTORNEY TO BE NOTICED

Peter Lehner
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Virginia Elizabeth Ruiz
(See above for address)
TERMINATED: 06/28/2019

V.

Defendant

U.S. Environmental Protection Agency

represented by **Emmet P. Ong**
United States Attorney's Office
450 Golden Gate Avenue
San Francisco, CA 94102
415-436-2700
Email: emmet.ong@usdoj.gov
ATTORNEY TO BE NOTICED

Julie Cybelle Reagin
450 Golden Gate Ave, 11th Floor
San Francisco, CA 94102
415-436-7181
Email: julie.reagin@usdoj.gov
TERMINATED: 08/09/2019

Date Filed	#	Docket Text
04/17/2018	<u>1</u>	COMPLAINT for declaratory and injunctive relief (Freedom of Information Act Case) against U.S. Environmental Protection Agency, (Filing Fee: \$400.00, receipt number 0971-12277856). Filed by Earthjustice & Farmworker Justice. (Attachments: #(1) Civil Cover Sheet)(Andiman, Alexis) (Filed on 4/17/2018) Modified on 4/18/2018

		(tnS). (Entered: 04/17/2018)
04/17/2018	<u>2</u>	Case assigned to Magistrate Judge Sallie Kim. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 5/1/2018. (bwS, COURT STAFF) (Filed on 4/17/2018) (Entered: 04/17/2018)
04/17/2018	<u>3</u>	Proposed Summons. (Andiman, Alexis) (Filed on 4/17/2018) (Entered: 04/17/2018)
04/17/2018	<u>4</u>	Certification of Interested Entities or Persons and Disclosure Statement filed by Earthjustice & Farmworker Justice (Andiman, Alexis) (Filed on 4/17/2018) (Entered: 04/17/2018)
04/18/2018	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Joint Case Management Statement due by 7/23/2018. Initial Case Management Conference set for 7/30/2018 at 1:30 PM in San Francisco, Courtroom A, 15th Floor. (tnS) (Filed on 4/18/2018) (Entered: 04/18/2018)
04/18/2018	<u>6</u>	Summons Issued as to Defendant U.S. Environmental Protection Agency. (tnS) (Filed on 4/18/2018) (Entered: 04/18/2018)
04/19/2018	<u>7</u>	MOTION for Leave to Appear in Pro Hac Vice, (Filing Fee: \$310.00, receipt number 0971-12285209) filed by Earthjustice, Farmworker Justice. (Attachments: # <u>1</u> Affidavit Affidavit of Oath, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Certificate/Proof of Service)(Apfel, Carrie) (Filed on 4/19/2018) (Entered: 04/19/2018)
04/19/2018	<u>8</u>	MOTION for Leave to Appear in Pro Hac Vice, (Filing Fee: \$310.00, receipt number 0971-12285376) filed by Earthjustice, Farmworker Justice. (Attachments: # <u>1</u> Affidavit Affidavit of Oath, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Certificate/Proof of Service)(Lehner, Peter) (Filed on 4/19/2018) (Entered: 04/19/2018)
04/23/2018	<u>9</u>	MOTION for Summary Judgment filed by Earthjustice, Farmworker Justice. Motion Hearing set for 6/11/2018 09:30 AM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Sallie Kim. Responses due by 5/7/2018. Replies due by 5/14/2018. (Attachments: # <u>1</u> Exhibit Ex. 1 – Plaintiffs' FOIA Request, # <u>2</u> Exhibit Ex. 2 – PPDC Transcript, # <u>3</u> Exhibit Ex. 3 – Bertrand Letter, # <u>4</u> Exhibit Ex. 4 – PPDC NGO Letter to EPA, # <u>5</u> Exhibit Ex. 5 – FOIA Confirmation Email, # <u>6</u> Exhibit Ex. 6 – Fee Waiver Determination, # <u>7</u> Declaration Ex. 7 – Smith Decl., # <u>8</u> Declaration Ex. 8 – Ruiz Decl., # <u>9</u> Exhibit Ex. 9 – FOIAOnline Screenshot, # <u>10</u> Exhibit Ex. 10 – Bertrand Letter to Eve Gartner, Earthjustice, # <u>11</u> Proposed Order Proposed Order)(Andiman, Alexis) (Filed on 4/23/2018) (Entered: 04/23/2018)
04/23/2018	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Earthjustice, Farmworker Justice.. (Andiman, Alexis) (Filed on 4/23/2018) (Entered: 04/23/2018)
04/24/2018	<u>11</u>	Order by Magistrate Judge Sallie Kim granting <u>7</u> Motion for Pro Hac Vice. Attorney Carrie Apfel representing Plaintiffs. (ejkS, COURT STAFF) (Filed on 4/24/2018) (Entered: 04/24/2018)
04/24/2018	<u>12</u>	Order by Magistrate Judge Sallie Kim granting <u>8</u> Motion for Pro Hac Vice. Attorney Peter Lehner representing Plaintiffs. (ejkS, COURT STAFF) (Filed on 4/24/2018) (Entered: 04/24/2018)
04/27/2018	<u>13</u>	CERTIFICATE OF SERVICE filed by Earthjustice, Farmworker Justice (Andiman, Alexis) (Filed on 4/27/2018) (Entered: 04/27/2018)

05/02/2018	<u>14</u>	CLERK'S NOTICE Changing Time of Motion Hearing: Notice is given that the Motion Hearing Re: <u>9</u> MOTION for Summary Judgment set for 6/11/2018 will be held at 11:00 AM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Sallie Kim. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>), Set/Reset Deadlines as to. (mklS, COURT STAFF) (Filed on 5/2/2018) (Entered: 05/02/2018)
05/04/2018	<u>15</u>	STIPULATION WITH [PROPOSED] ORDER <i>to Enlarge Time to Respond to Motion for Summary Judgment</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 5/4/2018) (Entered: 05/04/2018)
05/04/2018	<u>16</u>	ORDER by Magistrate Judge Sallie Kim granting <u>15</u> Stipulation to Enlarge Time to Respond to Motion for Summary Judgment. (mklS, COURT STAFF) (Filed on 5/4/2018) (Entered: 05/04/2018)
05/04/2018		Set/Reset Deadlines as to <u>9</u> MOTION for Summary Judgment . Responses due by 5/21/2018. Replies due by 5/29/2018. (mklS, COURT STAFF) (Filed on 5/4/2018) (Entered: 05/04/2018)
05/04/2018	<u>17</u>	CLERK'S NOTICE Re: Consent or Declination: Defendant shall file a consent or declination to proceed before a magistrate judge by 5/11/2018. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . (mklS, COURT STAFF) (Filed on 5/4/2018) (Entered: 05/04/2018)
05/08/2018	<u>18</u>	CONSENT/DECLINATION to Proceed Before a United States Magistrate Judge filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 5/8/2018) (Entered: 05/08/2018)
05/16/2018	<u>19</u>	STIPULATION AND [PROPOSED] ORDER <i>to Further Enlarge Time to Respond to Motion for Summary Judgment</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 5/16/2018) (Entered: 05/16/2018)
05/17/2018	<u>20</u>	ORDER AS MODIFIED by Magistrate Judge Sallie Kim granting <u>19</u> Stipulation to Further Enlarge Time to Respond to Motion for Summary Judgment. (mklS, COURT STAFF) (Filed on 5/17/2018) (Entered: 05/17/2018)
05/17/2018		Set/Reset Deadlines as to <u>9</u> MOTION for Summary Judgment . Responses due by 6/4/2018. Replies due by 6/11/2018. Motion Hearing reset for 6/25/2018 11:00 AM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Sallie Kim. (mklS, COURT STAFF) (Filed on 5/17/2018) (Entered: 05/17/2018)
05/23/2018	<u>21</u>	ANSWER to Complaint by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 5/23/2018) (Entered: 05/23/2018)
06/08/2018	<u>22</u>	STIPULATION and [Proposed] Order <i>Re Plaintiffs' Withdrawal of Motion for Summary Judgment and Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 6/8/2018) (Entered: 06/08/2018)
06/11/2018	<u>23</u>	ORDER AS MODIFIED REGARDING PLAINTIFF'S WITHDRAWAL OF MOTION FOR SUMMARY JUDGMENT AND CASE MANAGEMENT CONFERENCE. Status Report due by 9/14/2018. Initial Case Management Conference reset for 10/1/2018 01:30 PM in San Francisco, Courtroom A, 15th Floor. Signed by Magistrate Judge Sallie Kim on 6/11/2018. (mklS, COURT STAFF) (Filed on 6/11/2018) (Entered: 06/11/2018)
09/12/2018	<u>24</u>	<i>Joint Status Report and Request to Continue Case Management Conference and [Proposed] Order</i> filed by U.S. Environmental Protection Agency. (Attachments: # <u>1</u> Declaration of Julie C. Reagin in Support of Joint Status Report and Request to Continue Case Management Conference)(Reagin, Julie) (Filed on 9/12/2018) (Entered: 09/12/2018)
09/12/2018	<u>25</u>	ORDER re <u>24</u> Status Report and Request to Continue Case Management Conference. Status Report due by 12/14/2018. Signed by Magistrate Judge Sallie Kim on 9/12/2018. (mklS, COURT STAFF) (Filed on 9/12/2018) (Entered: 09/12/2018)

12/12/2018	<u>26</u>	<i>Joint Status Report & Request to Continue Case Management Conference & [Proposed] Order</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 12/12/2018) (Entered: 12/12/2018)
12/14/2018	<u>27</u>	ORDER re <u>26</u> Status Report and Request to Continue Case Management Conference. Status Report due by 3/15/2019. Signed by Magistrate Judge Sallie Kim on 12/14/2018. (mklS, COURT STAFF) (Filed on 12/14/2018) (Entered: 12/14/2018)
03/14/2019	<u>28</u>	<i>Joint Status Report & Request to Continue Case Management Conference and [Proposed] Order</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 3/14/2019) (Entered: 03/14/2019)
03/14/2019	<u>29</u>	ORDER AS MODIFIED re <u>28</u> Status Report and Request to Continue Case Management Conference. Status Report due by 6/14/2019. Initial Case Management Conference continued to 6/24/2019 01:30 PM in San Francisco, Courtroom C, 15th Floor. Signed by Magistrate Judge Sallie Kim on 3/14/2019. (mklS, COURT STAFF) (Filed on 3/14/2019) (Entered: 03/14/2019)
06/04/2019	<u>30</u>	ADR Clerk's Notice re: Non-Compliance with Court Order. (cmfS, COURT STAFF) (Filed on 6/4/2019) (Entered: 06/04/2019)
06/05/2019	<u>31</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Apfel, Carrie) (Filed on 6/5/2019) (Entered: 06/05/2019)
06/05/2019	<u>32</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Reagin, Julie) (Filed on 6/5/2019) (Entered: 06/05/2019)
06/05/2019	<u>33</u>	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 6/5/2019) (Entered: 06/05/2019)
06/06/2019	<u>34</u>	ORDER by Magistrate Judge Sallie Kim granting <u>33</u> Stipulation to Continue Case Management Conference. Case Management Statement due by 7/19/2019. Initial Case Management Conference reset for 7/29/2019 01:30 PM in San Francisco, Courtroom C, 15th Floor. (mklS, COURT STAFF) (Filed on 6/6/2019) (Entered: 06/06/2019)
06/26/2019	<u>35</u>	MOTION to Withdraw as Attorney filed by Earthjustice, Farmworker Justice. Responses due by 7/10/2019. Replies due by 7/17/2019. (Andiman, Alexis) (Filed on 6/26/2019) Modified on 6/28/2019 (tnS, COURT STAFF). (Entered: 06/26/2019)
07/02/2019	<u>36</u>	[Proposed] Order re <u>35</u> <i>Motion to Allow Virginia Ruiz to Withdraw as Counsel</i> filed by Earthjustice, Farmworker Justice. (Apfel, Carrie) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019	<u>37</u>	ORDER re <u>35</u> MOTION to Withdraw as Attorney filed. Signed by Magistrate Judge Sallie Kim on 7/2/2019. (mklS, COURT STAFF) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/15/2019	<u>38</u>	STIPULATION AND [PROPOSED] ORDER <i>to Continue Case Management Conference</i> filed by U.S. Environmental Protection Agency. (Reagin, Julie) (Filed on 7/15/2019) (Entered: 07/15/2019)
07/15/2019	<u>39</u>	ORDER by Magistrate Judge Sallie Kim granting <u>38</u> Stipulation to Continue Case Management Conference. Case Management Statement due by 8/16/2019. Initial Case Management Conference reset for 8/26/2019 01:30 PM in San Francisco, Courtroom C, 15th Floor. (mklS, COURT STAFF) (Filed on 7/15/2019) (Entered: 07/15/2019)
08/09/2019	<u>40</u>	NOTICE of Substitution of Counsel by Emmet P. Ong (Ong, Emmet) (Filed on 8/9/2019) (Entered: 08/09/2019)
08/14/2019	<u>41</u>	STIPULATION <i>Stipulation of Dismissal With Prejudice</i> filed by U.S. Environmental Protection Agency. (Ong, Emmet) (Filed on 8/14/2019) (Entered: 08/14/2019)